



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

via UPS

JUN 26 2014

R. Michael Mulrine, Jr.,
EH&S Manager
Environmental Recovery Corporation
1076 Old Manheim Pike
Lancaster, PA 17601

Re: Request for Information Pursuant to Section 3007(a) of the Resource
Conservation and Recovery Act, 42 U.S.C. ' 6927(a), Regarding Generation and
Management of Hazardous Waste by Environmental Recovery Corporation
EPA ID No. PAD987266749
Reference Number: C14-017

Dear Mr. Mulrine:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of the Environmental Recovery Corporation facility ("ERC" or "the facility") located in Lancaster, PA on August 20, 2013 (copy of report previously sent). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each

answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), or 25 Pa. Code Chapters 260a-266a, 266b, and 268a (effective May 1, 1999) shall have the meanings set forth therein.

Please provide the information requested below:

Information Request

1. In the New Drum Building two 55gal drums were found in the facility's primary hazardous waste (HW) storage area (see Photographs 3-5 in Attachment 2, Photographic Log of inspection report). Regarding each of these drums, please provide the following information:
 - a. A description of its source
 - b. Its date of generation
 - c. State whether a "waste determination" and "Land Disposal Restriction (LDR) determination" has been made for the container contents
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the contents have been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If they have been determined not to be hazardous waste, explain the reasons for such determination.

- f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - g. Please state if the container has been shipped off-site and the date of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - h. If the container was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
2. In the onsite Laboratory two open, unlabeled containers were found beneath a chemical hood (Photos 6-8). Regarding each of these containers, please provide the following:
- a. A description of its source
 - b. Its date(s) of generation
 - c. State whether a "waste determination" and "LDR determination" has been made for the material
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
 - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.

- h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
- 3. In the facility's "Reject Storage Area" near the oily waste tanks one 55gal drum and one approximately 10gal container were found (Photos 18-21). Regarding each of these containers, please provide the following information:
 - a. A description of its source
 - b. Its date(s) of generation
 - c. State whether a "waste determination" and "LDR determination" has been made for the material
 - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
 - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
 - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
 - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
 - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
- 4. EPA has received from the Pennsylvania Department of Environmental Protection (PADEP) a copy of the facility's Form U which lists facilities that have sent wastes to ERC through January of 2014 (attached). After reviewing this form, there appear to be certain facilities which were observed on ERC's incoming log sheets but were not found on the Form U. These include Beretta, Anvil, and SKF. Please explain why these

facilities sent wastes to ERC but did not appear on the Form U.

5. ERC appears to accept waste from several facilities which may generate metals-bearing waste streams, although ERC does not appear to require metals testing for each load received. Does ERC's required initial testing of a waste stream prior to acceptance typically include metals analyses? For the following facilities found on either ERC's log sheets or the Form U, please submit a copy of all results from the initial testing/analysis conducted prior to acceptance, and any subsequent testing/analysis for RCRA metals, if available: ALCOA Mill Products, Inc.; Standard Steel, LLC; General Dynamics, General Dynamics OTS, AMETEK-Reading Alloys, Beretta, Anvil, SKF, Timet North American Operations, Mack Trucks, Inc.; Reading Truck Body, Inc.; Camdel Metals, Post Precision Castings, Inc.; National Bearings, AMTRAK Wilmington, Armstrong World Industry, Inc.
6. At the time of the inspection two HW manifests were found which appeared to be missing their TSD-signed copies -- #000854620 for an 8/17/09 shipment, and #000847523 for a 9/30/08 shipment. For each of these shipments, please provide the following information:
 - a. At the time of the inspection was the facility retaining a TSD-signed manifest pertaining to this shipment? If so, please submit a copy of the manifest.
 - b. If the facility was not retaining such a copy, has a TSD-signed manifest for that shipment been obtained since the date of the inspection? If so, please submit a copy of this form and state the date when it was obtained by the facility.
 - c. Has the facility sent an Exception Report, as described in 40 C.F.R. § 262.42, to the PADEP regarding the shipment? If so, please state the date ERC sent the report and provide a copy.
7. At the time of the inspection only one HW manifest was found for 2013, dated 4/15/13. Prior to that shipment, only one shipment was found from 2012 as well, dated 2/29/12. For each of the previous years reviewed, only one HW manifest was found for each calendar year (shipments dated 7/27/11, 8/12/10, and 8/17/09).
 - a. Were any other HW shipments made from the period of January 2009 through June of 2014 for which manifests were not observed at the time of the inspection? If so, please provide copies of all bills of lading, manifests (including but not limited to HW manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment not observed during the inspection.
 - b. At the time of the inspection the facility stated that HW is typically transferred from the Laboratory to the 180-day storage drum on a daily basis. Please provide a recorded or estimated monthly HW generation rate for ERC for each month

within the period of June 2009 through June 2014. If estimated, please provide any documentation/analysis used to arrive at the estimated monthly rate(s).

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings. **Your response must include the signed and dated certification found on the final page of this letter.**

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response to:

Martin Matlin (3LC70)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Matlin at (215) 814-5789.

Sincerely,

A handwritten signature in cursive script that reads "Carol Amend".

Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: Martin Matlin (3LC70) w/o enc.
Terri DiFiore (3LC70)

